

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Melo et al.

Art Unit: 1633

U.S. Patent No. 7,563,777

Examiner: S. Kaushal

Application No: 10/714,449

Confirmation No: 9366

Issued: July 21, 2009

Atty. Docket No: 42597-193226

Filed: November 17, 2003

For: METHOD TO INDUCE NEOVASCULAR
FORMATION AND TISSUE
REGENERATION

Customer No:

26694
PATENT TRADEMARK OFFICE

Request for Recalculation of Patent Term Adjustment

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

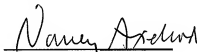
The Applicant requests review of the Patent Term Adjustment (PTA) calculation for the above-identified application, because the term adjustment may be longer than indicated. The issued patent indicates a Patent Term Adjustment of 448 days. In view of the decision in *Wyeth v. Dudas*, 2008 U.S. Dist. Lexis 76063 (D.D.C., Sept. 30, 2008), the Applicant believes that the correct determination is currently 448 days (the “A” delays minus Applicant’s delay) *plus* 977 days, which is the number of days between November 17, 2006 (three years from the filing date) and the date upon which the above-identified application issued (July 21, 2009, the “B” delays). The “A” delays and “B” delays do not overlap, since the 448 day “A” delay occurred before November 17, 2006

(three years from the filing date), and the “B” delay occurred after November 17, 2006. *See Wyeth v. Dudas*. Please review the PTA calculation and advise the undersigned of the result.

It is not believed that any fee is required. However, please charge any fees that may be due, or credit any refunds, to our deposit account number 22-0261, referencing our docket number 42597-193226.

Respectfully submitted,

Date: September 21, 2009



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